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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,802	11/06/2001	Sadao Sumiya	2018-466	4344

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EXAMINER

WALTON, GEORGE L

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,802

Applicant(s)

SUMIYA ET AL.

Examiner

George L. Walton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyanagi et al or Reiter in view of either one of Otto (2,813,816), Matsushima et al, Tongyai, or Faigen et al. The above claims are readable on the patent either Koyanagi et al or Reiter with the single exception of having a cylindrical article, housing, pipe or tube made of high alloy steel or stainless steel coated with a lubricating material such as an oxalate film or coating. The patent to either one of Otto, Matsushima et al, Tongyai, or Faigen et al teaches the above exception. In view of the teaching of either Koyanagi et al or Reiter, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to pipe element 17 of Koyanagi et al or pipe element 39 of Reiter, if desired. Note that either one of

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Otto, Matsushima et al, Tongyai, or Faigen et al clearly teaches coating stainless steel or high alloy steel pipes or tubes with oxalate film or coating.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koyanagi et al or Reiter in view of either one of Otto, Matsushima et al, Tongyai, or Faigen et al, as applied above in the rejection of claims 1-4 and 7-10, further in view of Soma et al or Maier et al. The above claim is readable on the above combination with the single exception of having an adjustment pipe made of stainless steel. The patent to either Soma et al or Maier et al teaches the above exception. In view of the teaching of either Soma et al or Maier et al, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the above combination as taught by element 40 of Soma et al or element 27 of Maier et al, if desired. Note column 4, lines 3-6 of Soma et al teaches synthetic resin which has lubricant type properties, which is well known in the art. Such teaching provides no unobvious or unexpected result.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koyanagi et al or Reiter in view of either one of Otto, Matsushima et al, Tongyai, or Faigen et al, as applied above in the rejection of claims 1-4 and 7-10, further in view of Kawaguchi et al. The above claims are readable on the above combination with the single exception of having a metallic roughened surface with a lubricating material adhered thereto. The patent to Kawaguchi et al teaches the above exception. In view of the teaching of Kawaguchi et al, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the above combination as taught by the entire document of Kawaguchi et al, if desired. The type of lubricant such as oil is merely a matter of

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obvious design expedient in view of the teaching of Kawaguchi et al. Such teaching provides no unobvious or unexpected result.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koyanagi et al or Reiter in view of either one of Otto, Matsushima et al, Tongyai, or Faigen et al, as applied above in the rejection of claims 1-4 and 7-10, further in view of Kummer or Japanese Patent No. 2000-10463. The above claims are readable on the above combination with the single exception of having a test unit for calibrating or adjusting an fuel injection valve prior to permanent assembly. The patent to Kummer or the Japanese Patent teaches the above exception. In view of the teaching of Kummer or the Japanese Patent, it would be obvious to one of ordinary skill in the art, at the time the invention was made, to provide the above exception to the above combination as taught by column 1, paragraphs [0004-0005] and paragraphs [0019 and 0022] of Kummer or the English Abstract of the Japanese Patent, if desired. Such teaching provides no unobvious or unexpected result.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George L. Walton whose telephone number is 703-308-2596. The examiner can normally be reached on M-F, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7765.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



George L. Walton
Primary Examiner
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G.L.W.